

EXHIBIT 2

Brenna Nelinson

From: Evan Spencer <evan@evanspencerlaw.com>
Sent: Tuesday, May 23, 2023 2:19 AM
To: Sarah Heaton Concannon; Alex Spiro; Brenna Nelinson; amehes@tesla.com; ManagingClerk@blbglaw.com; Nathan.Donlon@blbglaw.com; Chad Albert; slevine@levinelee.com; managingclerk@levinelee.com
Cc: Rob Kimtis
Subject: Dogecoin Class Action - Request to File Third Amended Complaint
Attachments: Dogecoin Third Amended Complaint 5.22.23.docx; Dogecoin Third Amended Complaint 5.22.23.pdf

[EXTERNAL EMAIL from evan@evanspencerlaw.com]

Dear Counselors:

I am writing to request permission to file the attached Third Amended Complaint and for permission to stay the current briefing schedule of the motion to dismiss the Second Amended Complaint until Plaintiffs' forthcoming motion is decided. While the complaint has been previously amended, we have not had the opportunity to amend since Defendants filed their motions to dismiss. There are also supplemental facts that have occurred since December 2022 that Plaintiffs have a right to plead under FRCP Rule 15(d). We have removed the Dogecoin Foundation as a Defendant, removed Civil RICO and other allegations, and have pleaded Domesticity and other matters raised in Defendants' briefs with greater specificity.

In the Southern District of New York, parties are always given at least one opportunity to amend their pleading after receiving a motion to dismiss. Plaintiffs are only prohibited from amending when they have already previously amended in response to a motion to dismiss. "Pursuant to the Court's individual rules, after Defendant filed a motion to dismiss on June 5, 2020, the Court gave Plaintiff the option of amending his complaint in response to the motion to dismiss. *See* Dkt. No. 14." *Thompson v. U.S. Dep't of Educ.*, 20-cv-693 (AJN), at *7 (S.D.N.Y. Mar. 30, 2021) However, after "Plaintiff amended the complaint in response to Defendants' first motion to dismiss. Plaintiff shall not be provided leave to amend a second time." *Quinones v. PRC Mgmt. Co., LLC*, 14-CV-9064 (VEC), at *11 n.7 (S.D.N.Y. July 7, 2015)

Please let me know on or before Thursday May, 25th by 6:00 pm, if a stay of the pending briefing schedule is acceptable and if Plaintiffs have permission to file the attached Third Amended Complaint.

Sincerely,

Evan Spencer
Evan Spencer Law, PLLC
305 Broadway, 7th Floor
New York, NY 10007
Tel. 917.547.4665
Evan@EvanSpencerLaw.com
EvanSpencerLaw.com